

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

UNITED STATES OF AMERICA

Plaintiff

-vs-

WAYNE COTTRELL

Defendant

:
:
: CASE NO. 1:09 CR 495
:
:
:

: ORDER ACCEPTING PLEA
: AGREEMENT AND JUDGMENT AND
: NOTICE OF HEARING
:
:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli regarding the change of plea hearing and plea agreement of Wayne Cottrell which was referred to the Magistrate Judge with the consent of the parties.

On 17 November 2009, the government filed a one-count indictment against Wayne Cottrell for felon in possession of firearm in violation of 18 U.S.C. § 922(g)(1). On 19 November 2009, a hearing was held in which Wayne Cottrell entered a plea of not guilty before Magistrate Judge Greg White. On 24 August 2010, Magistrate Judge Vecchiarelli received Wayne Cottrell's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Wayne Cottrell is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Wayne Cottrell is adjudged guilty of Count One in violation of 18 U.S.C. § 922(g)(1).

Sentencing will be:


5 October 2010 at 10:30 a.m.

**Courtroom 16-B
16th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated:

28 Sept. 2010


UNITED STATES DISTRICT JUDGE